

ADOPTED
2/28/91
REVISED
3/28/91

BYLAWS
of
CITYWIDE RECYCLING ADVISORY BOARD

I. Establishment of Board

A. The Citywide Recycling Advisory Board (the "Board") has been established pursuant to §16-319 of Local Law No. 19 of the City of New York for the year 1989 (the "Recycling Law").

B. The bylaws for the Board shall be construed to conform to all New York City Charter provisions pertaining thereto. Nothing in these bylaws shall be construed so as to change, modify or amend the New York City Charter.

C. The Board has assumed all responsibilities and functions of the former Citywide Citizens' Advisory Committee on Resource Recovery.

II. Membership

✓ A. The membership of the Board shall consist of at least one representative from each Citizens' Solid Waste Advisory Board ("SWAB") established pursuant to §16-317 of the Recycling Law, five members appointed by the City Council, and five members appointed by the Mayor, but it may initiate assumption of its responsibilities prior to all of these appointments having been made.

B. Members shall serve for a term of one year without compensation, with the first regular term commencing April 14, 1990, and expiring April 13, 1991. New members may be appointed at any time, but the term of such appointments shall expire at the end of each regular one year term. There is no limit to the number of terms a member may serve.

C. The membership of the Board shall represent community boards, recycling industries, carting industries, environmental organizations, government agencies, labor organizations, business organizations, property owners, tenant organizations and members of the public.

D. Whenever a member other than a public servant engages in any business dealings with the Department of Sanitation, or engages in business dealings with any other agency which relate to processing or disposal of solid waste or of waste described in Section 16-303(m)(3) of the Recycling Law or to recycling, or has an interest in a firm which is engaged in such business

dealings with the Department of Sanitation or such other agency, such member shall, prior to appointment, disclose the nature of such business dealings to the Commissioner of Sanitation and to the Mayor and, after appointment, disclose the nature of such business dealings to the Commissioner and to all other members of the Board, provided that such member need not disclose the amount of such business dealings.

E. No member shall represent the Board's position before any City or other governmental agency or authority unless designated to do so by the Board Chairperson. Representatives shall be limited to stating the official position of the Board, or any dissenting views provided they are so identified.

F. The Chairperson may after consultation with the Steering Committee recommend to the entity that appointed a member (i.e., the Mayor, the Council or the SWAB) the removal of a Board member for cause, which shall include, among other causes, absence from three consecutive Board meetings or failure to comply with disclosure requirements. Such entity may take whatever action he or she deems appropriate in response to such recommendation.

G. Any member may resign from membership at any time by written notice to the Chairperson and the entity that appointed such member.

H. Membership on the Board shall be evidenced by inclusion of the member's name on the list of members maintained by the Chairperson for such purpose. Such list shall include the member's name, address, telephone number, fax number, if any, and affiliation and be distributed to all members at least annually.

I. There shall be no maximum limit to the number of members who may be appointed to serve on the Board.

III. Officers

A. The officers of the Board shall be the Chairperson, Vice-Chairperson, Secretary and Assistant Secretary and such other officers as are designated by the Board. Each officer shall perform such duties as are incident to the office in accordance with generally accepted rules of parliamentary procedure.

✓ B. Each officer shall be elected by the members of the Board for a term of one year beginning April 14 and ending on April 13 of the following year. A nominating committee shall nominate officers to the Board. The nominating committee shall be composed of seven members: one representative member from each SWAB selected by the respective Board members from such SWAB, one Mayoral representative who is a member of the Board

selected by the Mayoral representatives on the Board, and one Council representative who is a member of the Board selected by the Council representatives on the Board. Nominations of members to serve as officers may also be made by any officer, any committee or any individual member from the floor at the meeting of the Board held to elect such officer, or at any other time.

C. To provide the greatest opportunity of service for each member of the Board, no chairperson or vice-chairperson shall serve for more than two consecutive annual terms, except by unanimous recommendation by the Steering Committee to the Board.

D. The Chairperson shall:

1. Recommend to the Board the establishment of standing committees of the Board and the appointment and removal of chairpersons of such committees, and members of the Steering Committee.
2. Represent and stand for the Board and perform all necessary functions according to decisions duly made by the Board, including communicating with governmental agencies. Such communications shall be through the Mayor's office or sent directly to the appropriate governmental agency, with a copy of the same simultaneously forwarded to the Mayor's office.
3. Recommend to the Board an annual budget for payments to consultants and other disbursements by the Board.
4. Be authorized to approve payments to consultants and other disbursements by the Board, provided that the Board must approve the retention of any consultant to the Board or to any of its committees, subcommittees or work groups, and provided further that such payments and disbursements are in accord with the approved Board budget.

E. The Vice-Chairperson shall

1. Preside at the meetings of the Board in the place of the Chairperson when the Chairperson is absent;
2. Assist the Chairperson when necessary and required.

F. The Secretary shall:

1. Be the recording officer of the Board, record or cause to be recorded the minutes of meetings, and be assisted in the compilation of such minutes by the staff provided by the office of the Mayor. The members shall approve or if necessary modify the minutes at the next regular meeting. The

final version of the minutes as approved by the Board shall be furnished to the Mayor's office.

2. If both Chairperson and Vice-Chairperson are absent from a meeting, assume the duties of Chairperson for that meeting only.

G. The Assistant-Secretary shall act as Secretary and record the minutes if the Secretary is not present at the regular monthly meeting.

H. Should any officer leave office before the expiration of his or her term, an election shall be held at the next meeting of the Board, or as soon thereafter as practical, to designate a replacement to serve the unexpired portion of the term.

IV. Committees of the Board

A. The Board shall have a Steering Committee, which shall include the Chairperson, Vice-Chairperson, Secretary, Assistant-Secretary, one representative of each SWAB selected by the representatives of such SWAB who are members of the Board, one representative of the City Council selected by the representatives of the Council who are members of the Board, one Mayoral representative selected by the Mayoral representatives who are members of the Board, and up to four at large members of the Board elected by the members of the Board. The staff representative of each Borough President and of the Mayor shall serve as a nonvoting member of the Committee. The membership of the Steering Committee shall be representative of the interests set forth in Paragraph II.C to the extent practical. The Chairperson of the Board shall also be Chairperson of the Steering Committee. The Chairperson shall designate the time and place of the meetings of the Steering Committee. The Steering Committee shall set the agenda for each Board meeting.

B. The Board may establish one or more other standing committees, and disband such committees, and each such committee shall have a Chairperson and, if desired, one or more Vice-Chairpersons elected by the Board. Each standing committee shall have such name as may be determined from time to time by the Board. A majority of the members of any such committee may determine its actions and recommend positions to the Board.

1. Each Chairperson and Vice-Chairperson shall be elected for a term of one year beginning April 14 and ending April 13 of the following year.
2. In electing members to serve as Chairperson or Vice-Chairperson of a standing committee, the Board shall take into account the recommendation of the standing committee. Nominations of

members for election as Chairperson or Vice-Chairperson of a standing committee may be made by the standing committee, any officer or any individual member of the Board from the floor at the meeting of the Board held to elect such Chairperson or Vice-Chairperson, or at any other time.

3. Should any Chairperson or Vice-Chairperson leave office before the expiration of his or her term, or election shall be held at the next meeting of the Board, or as soon thereafter as practical, to designate a replacement to serve the unexpired portion of the term.

C. The Board, Steering Committee and any other standing committee may appoint additional subcommittees and work groups to review particular issues and recommend policy positions to the Board or appropriate committees.

V. Steering Committee

A. During those times when the Board does not meet, the Steering Committee may transact such business as is necessary on behalf of the Board. An agenda shall be drafted by the Chairperson of the Steering Committee with the assistance of the staff coordinator before each meeting of the Steering Committee. This agenda, plus the notice of time and place of the meeting, together with the minutes of the last meeting, shall be mailed by staff to each Board member at least ten days before each meeting.

B. Where the Board is required to act on short notice, the Steering Committee may act on behalf of the Board, providing any such action shall be ratified by the Board membership at the next meeting. If not so ratified, there shall be no further implementation of the action after such meeting, and steps must be taken to withdraw the action.

C. Meetings of the Steering Committee shall be open to all members of the Board. A quorum of the Steering Committee necessary to transact business shall be 50% of that committee's membership.

VI. Board Meetings

A. There must be at least one regular meeting of the Board every three months, at such time and place as shall be designated by the Chairperson in the notice of the meeting sent to the Board members.

1. The Board may only vote when a quorum is present. The quorum of the Board necessary to transact business shall be 20 percent of the full membership of the Board.

2. Except as otherwise specifically required by the bylaws herein, all actions shall be decided by a majority vote of those members present and voting. An abstaining member shall not be counted for purposes of determining a majority vote.

B. The Board shall meet upon the request of the Mayor at any time and for any purpose, including preparing a report on the City's solid waste program, or other matters within its jurisdiction on which it may advise the Mayor or the City Council.

C. There may be special meetings.

1. A special meeting shall be a meeting other than the regular meeting and shall be called by the Board Chairperson, or after 10% or ten of the Board members, whichever is less, have submitted a petition to the chairperson. Such petition shall specify the proposed agenda of the special meeting.

2. A special meeting shall be called upon at least seven days advance notice, in writing, with a specification of the purpose of the meeting and the agenda.

D. All meetings of the Board are open to members of the public.

VII. Committee Meetings

A. There shall be as many committee meetings as the Chairperson of the Board and/or Chairpersons of the Committees deem necessary and appropriate.

B. Committee meetings shall be conducted under the same procedures as Board meetings. The standing committees shall assure that minutes of meetings are recorded and provided to staff for distribution to the full membership of the Board.

C. All committee meetings shall be open to all members of the Board and the public.

D. Members of the public may be recommended by the Board Chairperson to serve on committees in an advisory but non-voting capacity. The appointment of such non-voting members shall be subject to a majority vote of the committee.

E. Committees shall keep attendance records and shall report all resolutions adopted, in writing, together with the voting tally.

F. Committees are not empowered to formulate the official position of the Board. All resolutions that have been adopted by a committee constitute a recommendation to the general membership.

VIII. Agenda and Notices of Meetings

A. An agenda shall be drafted by the Chairperson of the Board with the assistance of the staff coordinator and the Steering Committee before each meeting of the Board. This agenda, plus the notice of time and place of the meeting, together with the minutes of the last meeting, shall be forwarded by staff to reach each Board member at least seven days before each meeting.

B. The Chairperson shall prepare a list of the time and place of each meeting of committees of the Board taking place in the following month, with a brief agenda for each meeting, and shall forward such list, with the assistance of staff, together with minutes of the previous meeting of each committee, to all members of the Board to reach each Board member at least seven days before the beginning of the month covered by the list.

C. All meetings of the Board, Steering Committee and other standing committees shall be subject to the provisions of the New York State Open Meetings Law.

IX. Voting

A. Voting shall be by a vote either through a show of hands, or upon the request of any five or more members of the Board, present by roll call vote with total votes before and against being publicly announced and recorded.

B. If a matter before the Board requires further information or deliberation, that matter may be referred to the appropriate Board committee for a report of recommendations and decisions by the entire board at the next regular meeting.

C. If a member is unable to attend any meeting of the Board or any of its committees, subcommittees or workgroups, such member may designate another representative of his or her organization to attend the meeting in such member's place and

such designated representative may vote for the member on all matters at such meeting, provided that such designation must be in writing and that a separate written designation will be required for each meeting the designated representative is authorized to attend.

D. Each member shall have one vote, except that voting by representatives of the Citizens Solid Waste Advisory Boards ("SWAB"s) shall be counted in accordance with the following rules:

1. The maximum number of votes that can be rendered on any particular vote by the members appointed by any particular borough SWAB is five. If a SWAB appoints more than five members and more than five are present, their total cumulative number of votes is five. Under those circumstances, each such member would have a fraction of a vote as necessary to make the total of votes from such members five.

2. If a borough SWAB has appointed less than five members, the number appointed is the cap on the total number of votes which its members appointed and present may have. This provision will not prevent the SWAB from appointing more members at any time.

3. If a borough SWAB has appointed five or more members and less than five are present at a particular meeting, then the following rules apply:

a. If only one member is present, that one member is entitled to two votes;

b. If only two members are present, they are entitled to four votes;

c. If three, four or five members are present, they are entitled to five votes.

X. Budget

The Board shall adopt, and may from time to time amend, an annual budget for each membership year covering payments to consultants and all other disbursements by the Board for such year.

X. Amendments

These bylaws may be amended by two-thirds vote of Board members present and voting provided a quorum of 25% of the Board membership is present.